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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,659	10/15/2003	Akiharu Fukuda	Q77912	8886
23373	7590	05/04/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			SAINT SURIN, JACQUES M	
			ART UNIT	PAPER NUMBER
			2856	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/684,659

Applicant(s)

FUKUDA ET AL

Examiner

Jacques M. Saint-Surin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7 and 8 is/are rejected.
- 7) ☒ Claim(s) 3 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03/21/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is responsive to the amendment of 02/22/05.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 102***

3. Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Nishimoto et al. (US Patent 6,484,581).

Regarding claim 1, Nishimoto discloses an ultrasonic wave utilizing device (ultrasonic transceiver, see: col. 3, lines 59-60) comprising: a cylindrical elastic holder (rubber holder 8) into which an ultrasonic sensor is pressed (ultrasonic sensor 2, see: col. 4, lines 10, 19 and Figs. 1 and 3A); and

a cylindrical part (9) that is closed at one end and is formed in a case (5) in such a way as to have the elastic holder (8) assembled therein, characterized in that the elastic holder (8) has an elastic end wall formed at an end of pressing side and a first elastic retaining part (spring 6) for retaining an outside end edge of the ultrasonic sensor (2) which is pressed into the elastic holder (reference numeral 8 designates a rubber holder which is filled into a clearance between the peripheral surface of the ultrasonic sensor 2 and the case 5, to thereby secure the ultrasonic sensor 2 in an vibratory manner, and which acts as an elastic member for securing the ultrasonic sensor 2, to thereby prevent transmission of oscillation to the case 5, see: col. 4, lines 17-23).

Regarding claims 2, Nishimoto discloses the rubber holder 8 is formed from resin having an elastic characteristic which enables appropriate oscillation of the ultrasonic sensor (see: col. 4, lines 23-26). Nishimoto further discloses reference numeral 9 designates a tapered section formed on the surface of the case 5 opposing the ultrasonic sensor. The tapered section 9 reflects the ultrasonic waves transmitted from the ultrasonic sensor 2, see: col. 4, lines 29-33.

Regarding claims 4-5, Nishimoto discloses a first elastic retaining part (reference 6 designates a spring which is mounted on the outside of the case 5 and is to be used for securing the case 5 which an insert hole formed in a bumper of a vehicle, by means of restoration force of the spring, see: col. 4, lines 10-14.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimoto et al. (US Patent 6,484,581).

Regarding claims 7-8, Although Nishimoto discloses reference 6 designates spring which is mounted on the outside of the case 5 and is to be used for securing the case 5 which an insert hole formed in a bumper of a vehicle, by means of restoration force of the spring (see: col. 4, lines 10-14), it does not disclose or suggest the second elastic retaining part has an elastic pillar-shaped

part that is passed through a hole formed in a bottom of the cylindrical part. It would have been obvious to one of ordinary skill in the art to determine an appropriate or desired shape for the elastic retainer to perform the retaining function since applicant has not disclosed that the pillar-shaped solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the retainer of Nishimoto.

***Allowable Subject Matter***

6. Claims 3 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***REMARKS***

7. In response to Applicant's argument stating that Nishimoto fails to disclose the first elastic retaining part, the examiner, respectfully, disagrees with applicant's argument because as discussed in the rejection above, reference 6 designates a spring which is mounted on the outside of the case 5 and is to be used for securing the case 5 which an insert hole formed in a bumper of a vehicle, by means of restoration force of the spring, see: col. 4, lines 10-14. Furthermore, col. 4, lines 17-20 discloses reference numeral 8 designates a rubber holder 8 which is filled into a clearance between the peripheral surface of the electronic sensor 2 and the case 5, to thereby secure the ultrasonic sensor 2 in a vibratory manner, and which acts as an elastic member for securing the ultrasonic sensor 2, to thereby prevent transmission of

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oscillation to the case 5. Thus, Nishimoto clearly provides adequate teaching for performing the function of the claimed retaining part.

### ***Response to Arguments***

8. Applicant's arguments filed 02/22/05 have been fully considered but they are not persuasive.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques M Saint-Surin whose telephone number is (571) 272-2206. The examiner can normally be reached on Monday-Friday.

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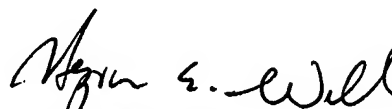
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (703) 305-4705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jacques M. Saint-Surin

May 01, 2005



HEZRON WILLIAMS  
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